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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Appln. of: Kieran P.J. Murphy

Appln. No.: 09/594,685

Filed: June 16, 2000

For: APPARATUS FOR STRENGTHENING  
VERTEBRAL BODIES

Cook Case PA-5281

Examiner: Eduardo C. Robert

Art Unit: 3732

Attorney Docket No: 8627/405

Mail Stop Appeal Brief-Patents  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

TRANSMITTAL

Sir:

Attached is/are:

TRANSMITTAL LETTER (2 pages); MAIN BRIEF ON APPEAL TO THE BOARD OF PATENT APPEALS AND INTERFERENCES (21 pages); PETITION AND FEE FOR EXTENSION OF TIME (4 pages); and CHECK for \$120.00.

☒ Return Receipt Postcard

Fee calculation:

☒ It is believed no Appeal Brief fee is due based on the following:

This is the second appeal to the Board of Patent Appeals and Interferences for this Application. The prior appeal resulted in prosecution being reopened on March 24, 2004, before transfer of the Application to the Board for consideration of the Appeal.

A Notice of Appeal and fee were filed November 10, 2003, in the first Appeal. An Appeal Brief and fee were filed January 15, 2004, in the first Appeal. In accordance with current USPTO policy (see, e.g., the Notice adopting new Rules of Practice Before the Board of Patent Appeals and Interferences, 69 F.R. 49960 at 49975, "Answer" to "Comment 44", August 12, 2004).

In the event that a fee for filing the enclosed Appeal Brief is determined to be due, authorization to charge any additional fees to Deposit Account No. 23-1925 is given below.

☐ Small Entity.

☒ An extension fee in an amount of \$120.00 under 37 C.F.R. § 1.136(a).

☐ A petition or processing fee in an amount of \$\_\_\_\_\_ under 37 C.F.R. § 1.17(\_\_\_\_\_).

☐ An additional filing fee has been calculated as shown below:

					Small Entity			Not a Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee	or	Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 43=			x \$86=	
First Presentation of Multiple Dep. Claim					+ \$145=			+ \$290=	
					Total	\$		Total	\$

Fee payment:

☒ A check in the amount of \$120.00 is enclosed.

☐ Please charge Deposit Account No. 23-1925 in the amount of \$\_\_\_\_\_. A copy of this Transmittal is enclosed for this purpose.

☐ Payment by credit card in the amount of \$\_\_\_\_\_ (Form PTO-2038 is attached).

- ☒ The Director is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this paper (including any extension fee required to ensure that this paper is timely filed), or to credit any overpayment, to Deposit Account No. 23-1925.

Respectfully submitted,

  
Raymond W. Green (Reg. No. 24,587)

Date: April 13, 2005